

Application Number: 10/689,639
Office Action dated: May 1, 2006
Response date: August 1, 2006

REMARKS/ARGUMENTS

The Examiner has rejected claims 6-7, 9-16 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 4,790,509 to Cardwell et al. The Examiner has also withdrawn claim 17 from consideration under 37 CFR 1.142(b) and MPEP § 821.03 as the Examiner alleges that claim 17 is directed to a non-elected invention.

Regarding claims 6 and 9-13 the Examiner alleges that Cardwell teaches the implied method of constructing a concrete column comprising the steps of: selecting and cutting a length of flexible cardboard tube form element from a larger length of flexible tube; the element having portions extending outwardly therefrom; securing the portion of the tube form element to first and second vertical support members and sandwiching the portion in between the first and second vertical support members; and bracing the first and second vertical support members, thereby supporting the flexible tube form element in an upstanding position and substantially filling the flexible tube form element with concrete; where the step of bracing comprises the step of positioning the first vertical support member and the form element in the upstanding position.

In response to the above, the Applicant respectfully submits that Cardwell does not teach the method of constructing a concrete column as claimed by the Applicant in claims 6 and 9-13. Claim 6 as amended on December 1, 2005, claims a method of constructing a concrete column comprising the steps of selecting a length of flexible tube form element, said tube form element having a portion extending outwardly therefrom, and securing the outwardly extending portion of the tube form element to a first vertical support member. Cardwell does not disclose the use of a flexible tube form as alleged by the Examiner. Cardwell teaches the use of a rigid tubular concrete form similar to those manufactured under the trademark SONOCO. Please see Column 2 lines 45-50 of the Cardwell reference in this regard. Enclosed herewith are printouts from the Sonoco Products Company website which clearly show that the tubular concrete forms manufactured by the Sonoco Products Company

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and referred to by Cardwell are rigid tubular concrete forms which maintain a defined circular cross-section and a defined length.

Furthermore, Cardwell is directed to collars (10 and 10') used to secure said rigid tubular concrete form (12) to support members (52 and 54). The collars are separate elements and do not form part of the tubular concrete form nor are the collars outwardly extending portions of the tubular concrete form. Cardwell therefore teaches the method of constructing a concrete column by securing a rigid tubular concrete form to support members using the collars. Cardwell does not teach the method of constructing a concrete column by securing an outwardly extending portion of a flexible form element to a support member as claimed by the Applicant in claim 6.

As disclosed by the Applicant on page 1, lines 16 to 19, of the instant application, transportation and storage of rigid tubular concrete forms is very expensive because of the fixed lengths and diameters of the forms. It is therefore an object of the invention to provide a flexible form element that may be collapsed and folded into a small package to facilitate its transportation and storage. Please see page 2, lines 4 and 5, of the instant application in this regard. This objective is accomplished by providing a flexible form element manufactured from a fabric such as woven polyethylene or polypropylene material which may be collapsed and folded into a small package thereby facilitating its transportation and storage. Because the flexible form element of the invention is collapsable and foldable, in order to properly position the flexible form element in a vertical orientation to receive concrete, it is necessary that the flexible form element have an integral and outwardly extending portion that may be secured to a vertical support member as best shown in Figure 1 of the instant application. The collars disclosed by Cardwell cannot be used to properly position a flexible form element in a vertical orientation to receive concrete because a flexible form element does not retain a tubular shape until after it is filled with concrete.

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The flexible form element and the portion extending outwardly therefrom are important features of the invention and are recited in the method claimed in claim 6. Nowhere does Cardwell disclose or even suggest that the tubular concrete form is flexible and that it is provided with an outwardly extending portion or that an outwardly extending portion of the tubular concrete form be secured to a vertical support. The Applicant therefore respectfully submits that the method claimed in claim 6 is not obvious in view of Cardwell and that the method of claim 6 is both patentable and allowable in the instant application. The Applicant further submits that in view of the allowability of claim 6 that dependent claims 9-13 are also allowable for this reason and for the additional features set forth therein.

Regarding claim 7, the Examiner alleges that Cardwell teaches the method described in claim 6 where the form element is left in place on the concrete surface while it cures. In response to this allegation the Applicant respectfully submits that for the reasons given above that the method claimed in claim 6 is not obvious in view of Cardwell and that the method of claim 6 is both patentable and allowable in the instant application. The Applicant further submits that in view of the allowability of claim 6 that dependent claim 7 is also allowable for this reason and for the additional features set forth therein.

Regarding claims 14-16 and 18-19 the Examiner alleges that Cardwell teaches the implied method of constructing a concrete column comprising the steps of: erecting a flexible tube element having at least one portion extending outwardly from its perimeter; supporting the flexible tube form at a portion thereof; and filling the flexible tube form element with concrete material, where supporting the tube form element comprises the steps of: reinforcing the portion with a first vertical support member; bracing the vertical support member with a strut; and attaching the first vertical support member to a portion of the flexible form tube.

In response to the above, the Applicant reiterates the general arguments previously presented. In

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summary, claim 14 as first presented on December 1, 2005, claims a method of constructing a concrete column comprising erecting a flexible tube form element, said flexible tube form element having at least one portion extending outwardly from its perimeter, and supporting the flexible tube form element at the portion thereof. Cardwell teaches the method of constructing a concrete column comprising erecting a rigid tubular concrete form and supporting said rigid tubular concrete form using the collars. Cardwell does not teach the method of constructing a concrete column comprising erecting a flexible tube form element and supporting said flexible tube form element at a portion extending outwardly from its perimeter as claimed by the Applicant in claim 14.

The flexible form element and the portion extending outwardly from its perimeter are important features of the invention and are recited in the method claimed in claim 14. Nowhere does Cardwell disclose or even suggest that the concrete form is flexible and that it is provided with a portion extending outwardly from its perimeter or that a flexible form element may be supported at a portion extending outwardly from the perimeter. The Applicant therefore respectfully submits that the method claimed in claim 14 is not obvious in view of Cardwell and that the method of claim 14 is both patentable and allowable in the instant application. The Applicant further submits that in view of the allowability of claim 14 that dependent claims 15-16 and 18-20 are also allowable for this reason and for the additional features set forth therein.

Regarding claim 17 the Applicant respectfully requests reconsideration of the Examiner's allegation that claim 17 is directed to a non-elected invention under 37 CFR 1.143. The Applicant submits that because generic claim 14 is allowable that an election requirement is not required and claim 17 is also allowable.

The Applicant has also made minor formal amendments to claims 6 and 13 and the Applicant has added new claims 21 to 26.

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New claims 21 and 24 claim the additional step of unrolling a roll of the flexible tube form element. Support for new claims 21 and 24 is found on page 3, lines 40 to 44, where it is disclosed that in packaging the flexible tube forming element is wound on large diameter rolls.

New claims 22 and 25 claim the additional step of unfolding a folded length of the flexible tube form element. Support for new claims 22 and 25 is found on page 2, lines 4 and 5, of the instant application where it is disclosed that in packaging the flexible tube form element is folded. Further support for new claims 22 and 25 is found on page 3, lines 40 to 44, of the instant application where it is disclosed that in packaging the flexible tube form element is folded.

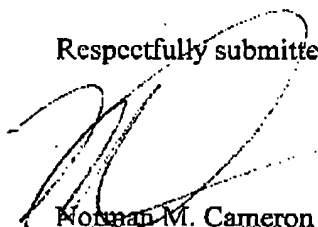
New claims 23 and 26 claim the additional feature of the flexible tube form element being distensible. Support for new claims 23 and 26 is found on page 2, lines 39 to 40, of the instant application where it is disclosed that the flexible tube form element when filled with concrete will form a cylinder. Further support for new claims 23 and 26 is found on page 3, lines 21 to 22, of the instant application where reference to "the inflated tube" is made.

Finally, the Applicant has cancelled claims 1 -5 and 8 without prejudice and reserves the right to file a divisional application for these claims.

It is respectfully submits that in view of the arguments provided herein that claims 6-7 and 9-26 are allowable and the Applicant respectfully requests such.

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Respectfully submitted,



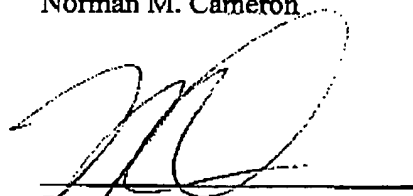
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- Easier to setup and brace.
- Superior strength-to-weight properties prevent blowouts.
- Easy to cut and drill at the job site.
- Heat resistance eliminates form deformation during the pour.
- Sonoco manufactures and distributes Sonotube brand concrete forms throughout North America, minimizing lead times.
- No cleaning, reassembling, or return freight costs.
- Set and pour multiple columns at one time.

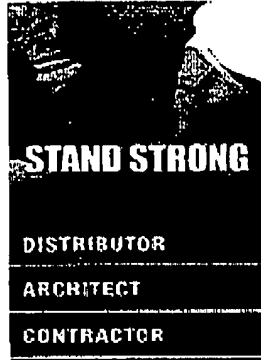
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CONCRETE FORMS**Sonotube Round Concrete Forms Size Chart**

Forms are available in lengths up to 60' with diameters ranging from 6" to 60"

Concrete Requirements (Expressed in cubic yards for columns of various heights)

Diameter (In.)	3ft.	6ft.	8ft.	Height of Column 10ft.	12ft.	18ft.	20ft.
6	.022	.044	.058	.073	.088	.117	.148
8	.039	.077	.103	.129	.155	.208	.258
10	.061	.121	.162	.202	.242	.323	.404
12	.087	.178	.233	.291	.349	.466	.582
14	.119	.238	.317	.396	.475	.634	.792
16	.155	.310	.414	.517	.620	.827	1.034
18	.196	.392	.523	.654	.785	1.048	1.310
20	.242	.485	.646	.808	.970	1.293	1.616
22	.293	.587	.782	.978	1.173	1.585	1.956
24	.349	.698	.931	1.164	1.397	1.862	2.328
26	.410	.820	1.093	1.386	1.639	2.186	2.732
28	.475	.950	1.270	1.684	1.901	2.534	3.170
30	.545	1.091	1.454	1.818	2.182	2.909	3.636
32	.621	1.241	1.655	2.069	2.493	3.310	4.138
34	.701	1.401	1.868	2.335	2.802	3.738	4.670
36	.785	1.571	2.094	2.618	3.142	4.189	5.236
40	.970	1.939	2.586	3.232	3.878	5.171	6.464
42	1.069	2.138	2.850	3.583	4.276	5.701	7.126
48	1.386	2.792	3.723	4.654	5.585	7.448	9.308
54	1.767	3.534	4.712	5.890	7.069	9.424	11.780
60	2.181	4.363	5.817	7.272	8.727	11.634	14.544

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